



2176/JR

PATENT
10/082,745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2176
David R. Posh et al. : Examiner: M. Nguyen
Serial No: 10/082,745 : Intellectual Property
Filed: 02/21/02 : Law Department - 4054
Title: A DATA PROCESSOR : International Business
CONTROLLED INTERACTIVE : Machines Corporation
DOCUMENT EDITING DISPLAY : 11400 Burnet Road
SYSTEM WITH AN IMPLEMENTATION : Austin, Texas 78758
FOR SWAPPING THE POSITIONS OF : Customer No. 32,329
TWO DESIGNATED SEGMENTS OF :
DATA IN A DISPLAYED DOCUMENT :
Date: _____ :

CERTIFICATE OF MAILING

I hereby certify that this correspondence including an Amended Brief on Appeal (in triplicate), and this transmittal letter (duplicate) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 3/17/06.

J.B.K./JF

Signature

Date

J-BK/JF 3/17/06

TRANSMITTAL OF APPELLANTS' AMENDED BRIEF ON APPEAL

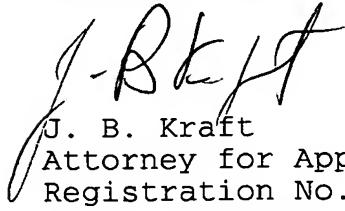
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 6, 2006,
attached is Appellants' Amended Brief (in triplicate) in
this Appeal

Respectfully submitted,



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Registration No. 19,226
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Austin, Texas 78758



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AMENDED BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1-24 of this Application dated July 14, 2005. Section VIII. Appendix containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.



II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 24 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: None
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: 1-24.
4. Claims allowed: None.
5. Claims rejected: 1-24.

C. CLAIMS ON APPEAL

Claims on appeal: 1-24.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

Claim 1 which is annotated with respect to the Specification and Drawings has the same elements as all of the independent claims herein: claims 1, 9, and 17.

1. A computer controlled user-interactive document editing display system (Figs. 2 and 3, referred to on page 5 of specification) comprising:

means for defining one segment of displayed data in a displayed document (phrase 46, Fig. 2, and page 5, lines 9-12);

means for defining another segment of displayed data in said displayed document (phrase 49, Fig. 2, and page 5, lines 18-20);

means enabling a user to select to directly swap said one segment with said another segment (item 48 in menu 47, Fig. 2, and page 5, lines 16-19; and

means, responsive to said user selection to directly swap, for directly swapping the positions of said segments of data with each other in a single operation independently of separately identifying a new location for each of the one and another segments other than defining each segment (the swap in positions in the text document of phrases 46 and 49 in Fig. 3 described at page 5, lines 20-24).

There are no dependent claims argued separately.

VI. Grounds of Rejection

Claims 1-24 are rejected under 35 U.S.C. 102(b) over Brown et al. (US5,887,133)

VII. Argument

The Brown Patent is not an anticipatory reference under 35 USC 102.

The primary reference, Brown is not an anticipatory reference under 35 USC 102. In order to reject under 35 USC 102, the reference must teach every element of the invention without modification. Brown does not do this.

The present invention is a simple invention. The claims cover a swap function of segments of text in the same document i.e. the user points to a first text segment, then points to a second segment, then hits a swap function, and the two text segments are directly swapped, that is exchanged in positions in the same document.

The Examiner appears to be confusing simplicity of the invention with novelty. Just because a claimed invention is simple does not imply that the invention lacks novelty. The Examiner appears to be focused on the term "swapping" which he has found in the Brown patent. However, the swapping in Brown is very different from the present claimed swapping. In the present invention, two designated text segments in the same document are directly swapped i.e. they exchange position in the same document. In the Brown patent process, when there is an undesired portion in a text document is designated, the swap involves removing the undesired portion from the text document, sending the removed portion to a substitute document server, which then sends a substitute portion back to the text document.

As set forth above, in order to reject under 35 USC 102, the reference must teach every element of the invention without modification. A reference to independent claim 1 will show why Brown fails to teach this.

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1. A computer controlled user-interactive document editing display system comprising:

means for defining one segment of displayed data in a displayed document;

means for defining another segment of displayed data in said displayed document; (Brown does not define another segment in said same displayed document. Brown defines another segment in a substitute document at a substitute document server.)

means enabling a user to select to directly swap said one segment with said another segment; (Brown does not enable the direct swapping of two segments in the same document; Brown's swap is by a substitute portion from his server)

and

means, responsive to said user selection to directly swap, for directly swapping the positions of said segments of data with each other in a single operation independently of separately identifying a new location for each of the one and another segments other than defining each segment. (Brown does not directly swap the positions of the two segments of data in the same document in a single operation. The swap in Brown is by a segment from a substitute, not the same, document. The swap is not a single operation in Brown: when a defect is found in a document, a swap order is sent to a substitute document server which in turn sends a substitute portion to a controller which then inserts the substitute portion for the defective portion).

All of the other claims, 2-24 have the same limitations.

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Clearly, Brown fails to teach every element of the invention without modification as is required for a rejection under 35 U.S.C 102.

Conclusion

In view of the foregoing, claims 1-24, are submitted not to be anticipated by Brown et al under 35 U.S.C. 102(b) and, thus, are patentable.

Accordingly, the Board of Appeals is respectfully requested to reverse the final rejection and find claims 1-24 in condition for allowance.

Respectfully submitted,

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VIII. Claims Appendix

1

2 1. A computer controlled user-interactive document editing
3 display system comprising:

4 means for defining one segment of displayed data in a
5 displayed document;

6 means for defining another segment of displayed data in
7 said displayed document;

8 means enabling a user to select to directly swap said
9 one segment with said another segment; and

10 means, responsive to said user selection to directly
11 swap, for directly swapping the positions of said segments
12 of data with each other in a single operation independently
13 of separately identifying a new location for each of the one
14 and another segments other than defining each segment.

1 2. The document editing display system of claim 1, further
2 including means for highlighting said one and said another
3 segments prior to swapping the positions of said segments.

1 3. The document editing display system of claim 1, wherein
2 said displayed data in said swapped segments is alphanumeric
3 text.

1 4. The document editing display system of claim 3, wherein
2 said alphanumeric text in each of said swapped segments is a
3 phrase.

1 5. The document editing display system of claim 3, wherein
2 said alphanumeric text in each of said swapped segments is a
3 sentence.

1 6. The document editing display system of claim 3, wherein
2 said alphanumeric text in each of said swapped segments is a
3 paragraph.

1 7. The document editing display system of claim 3, wherein
2 said alphanumeric text in each of said swapped segments is
3 at least one page in length.

1 8. The document editing display system of claim 7, wherein
2 said swapped segments further include images.

1 9. A method of user-interactive document editing on a
2 display comprising:

3 defining one segment of displayed data in a displayed
4 document;

5 defining another segment of displayed data in said
6 displayed document;

7 enabling a user to select to directly swap said one
8 segment with said another segment; and

9 directly swapping the positions of said segments of
10 data with each other in a single step independently of
11 separately identifying a new location for each of the one
12 and another segments other than defining each segment
13 responsive to a user selection to swap.

1 10. The document editing method of claim 9 further
2 including the steps of highlighting said one and said
3 another segments prior to swapping the positions of said
4 segments.

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1 11. The document editing method of claim 9, wherein said
2 displayed data in said swapped segments is alphanumeric
3 text.

1 12. The document editing method of claim 11, wherein said
2 alphanumeric text in each of said swapped segments is a
3 phrase.

1 13. The document editing method of claim 11, wherein said
2 alphanumeric text in each of said swapped segments is a
3 sentence.

1 14. The document editing method of claim 11, wherein said
2 alphanumeric text in each of said swapped segments is a
3 paragraph.

1 15. The document editing method of claim 11, wherein said
2 alphanumeric text in each of said swapped segments is at
3 least one page in length.

1 16. The document editing method of claim 15, wherein said
2 swapped segments further include images.

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- 1 17. A computer program having program code included on a
- 2 computer readable medium for user-interactive document
- 3 editing on a computer controlled display system comprising:
- 4 means for defining one segment of displayed data in a
- 5 displayed document;
- 6 means for defining another segment of displayed data in
- 7 said displayed document;
- 8 means enabling a user to select to directly swap said
- 9 one segment with said another segment; and
- 10 means, responsive to said user selection to directly
- 11 swap for directly swapping the positions of said segments of
- 12 data with each other in a single operation independently of
- 13 separately identifying a new location for each of the one
- 14 and another segments other than defining each segment.

- 1 18. The computer program of claim 17, further including
- 2 means for highlighting said one and said another segments
- 3 prior to swapping the positions of said segments.

- 1 19. The computer program of claim 18, wherein said
- 2 displayed data in said swapped segments is alphanumeric
- 3 text.

- 1 20. The computer program of claim 19, wherein said
- 2 alphanumeric text in each of said swapped segments is a
- 3 phrase.

- 1 21. The computer program of claim 19, wherein said
- 2 alphanumeric text in each of said swapped segments is a
- 3 sentence.

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1 22. The computer program of claim 19, wherein said
2 alphanumeric text in each of said swapped segments is a
3 paragraph.

1 23. The computer program of claim 19, wherein said
2 alphanumeric text in each of said swapped segments is at
3 least one page in length.

1 24. The computer program of claim 23, wherein said swapped
2 segments further include images.

IX. Evidence

There is no evidence presented.

X. Related Proceedings

None.